

Town of Frederick Board of Trustees



Eric Doering, Mayor

Tony Carey, Mayor Pro Tem
Amy Schiers, Trustee
Sue Wedel, Trustee

Rafer Burnham, Trustee
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AM 2010-122

To Consider an Extension to the Comcast Franchise Agreement

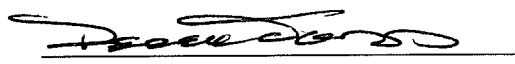
Agenda Date: Town Board Meeting - November 9, 2010

Attachments: a. Ordinance

Fiscal Note: None noted or provided Fiscal note


Administrative Services Director

Submitted by: 
Administrative Services Director

Approved for Presentation: 
Town Administrator

AV Use Anticipated Projector _____ Laptop _____

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

The Board of Trustees adopted an Ordinance at their October 12, 2010, Board meeting extending the term of Frederick's Comcast Franchise Agreement to the end of November 2010. The request for the extension was to allow the representatives from Frederick, Firestone and Dacono to coordinate local franchise renewals. All parties felt that November 30th completion date was practical and attainable, however Section 12 Competitive Equity has become a stumbling block and additional conversation needs to be completed between Comcast and the municipalities.

Detail of Issue/Request:

The last update provided by staff was the draft agreement between Frederick, Firestone, Dacono and Comcast was almost complete. All parties meet to complete the final draft; all sections except for Section 12, Competitive Equity, has been agreed upon, Section 12, has now become an issue with

Comcast. Ken Fellman, GMTTC Attorney provided language for Section 12, which is language, used in other Colorado Comcast franchise agreements. A conference call has been set up with Comcast and the three municipalities to consider the proposed language. If the proposed language is not agreed to by Comcast, the municipalities will request additional conversations with Senior Comcast staff.

The proposed language was presented to Comcast, on October 12th, at which time Rinaldi stated she would have management review the language and indicated having approval of the agreement on November 9th wouldn't be a problem. Since there is the possibility the completion of the agreement won't be done by November 30, 2010, staff is requesting an extension. Staff is requesting the agreement be extended month-to-month per Special Counsel's recommendation.

Janet Rinaldi, Comcast will be available for questions at the November 9th meeting.

Legal/Political Considerations:

The (third) temporary franchise extension was reviewed by the Town Attorney, who concurs with the recommendation of attorney Ken Feldman, counsel for GMTTC, to go to a month to month extension until the final issues are resolved; the attached ordinance was prepared by the Town Attorney's office.

Alternatives/Options:

An alternative is to continue the agreement for an additional period of time.

Financial Considerations:

Not Applicable

Staff Recommendation:

Staff recommends adoption of the proposed ordinance.